



01-24-06

Ifw

PATENT

Attorney Docket No. F-5482 DIV 2 (0360-0159.02)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: )  
Mark R. Vandlik et al. )  
Serial No.: 10/828,440 )  
Filed: April 20, 2004 )  
Group Art No.: 3762 )  
Examiner: Unknown )  
For: BLOOD PROCESSING SYSTEMS )  
WITH FLUID FLOW CASSETTE )  
WITH A PRESSURE ACTUATED )  
PUMP CHAMBER AND IN-LINE )  
AIR TRAP )

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.: EV643273609US

Date of Deposit: January 17, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231.

NAME Diane G. Kapil

SIGNATURE Diane G. Kapil

Box DAC  
Commissioner for Patents  
Washington, DC 20231

PETITION TO ACCORD A FILING DATE TO A PATENT APPLICATION UNDER  
37 C.F.R. 1.10(d)

Sir:

Applicants hereby petition that this patent application be accorded a filing date of April 20, 2004. As set forth below, Applicants believe this application was mailed to the United States Patent and Trademark Office on April 20, 2004, and the date of April 17, 2004 was incorrectly entered by the U.S. Postal Service on the Express Mail label.

Applicants are promptly filing this petition after unsuccessful attempts before the Office for correction of filing receipts.

It is respectfully submitted that the application was actually filed on Tuesday, April 20, 2004, and that the U.S. Postal Service put the wrong date of April 17, 2004, on the Express Mail label. This petition includes several documents which corroborate Applicants' belief that the requested filing date of April 20, 2004, was the actual date that the application was deposited with the U.S. Postal Service.

The first document is a copy of the Express Mail label, which is enclosed herein as Exhibit A. The Express Mail label appears to be incorrect on its face. The date on the label, April 17, 2004, was a Saturday. We note that the Post Office marked the Express Mail label to indicate that delivery would take place on the following day (which was a Sunday) by noon. It is respectfully submitted that it is unlikely that the U.S. Postal Service would deliver by noon on a Sunday. Therefore, we believe that the Express Mail label is incorrect on its face.

In addition, the following documents, which accompanied the application when it was filed, indicate that the correct filing date is April 20, 2004. These documents are enclosed herein and include:

1. The New Application Transmittal, bearing the same Express Mail Label number (EV318693209US), and a certificate of service signed and dated April 20, 2004 (Exhibit B);
2. Check (number 14580), for the filing fee of \$770.00, dated April 20, 2004 (Exhibit C); and
3. The Return Receipt Postcard that accompanied the application, bearing the same Express Mail label number, dated April 20, 2004 (Exhibit D).

A copy of the Updated Filing Receipt , which is marked up to show the correct filing date (Exhibit E), is enclosed herewith.

It is believed that no fee is required for this petition under 37 C.F.R. 1.10(d). However, if a petition fee is required, please charge our deposit account number 50-1039. Accordingly, please correct the Filing Receipt to reflect the correct filing date of April 20, 2004.

Respectfully submitted,

Date: Jan. 17, 2006

  
\_\_\_\_\_  
Gary W. McFarron  
Registration No. 27,357

Cook, Alex, McFarron, Manzo,  
Cummings & Mehler, Ltd.  
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Chicago, IL 60606  
Telephone: (312) 236-8500  
Attorneys for Applicant



PATENT  
Attorney Docket No. F-5482 DIV 2 (0360-0159.02)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Box DAC  
Commissioner for Patents  
Washington, DC 20231

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

"Express Mail" Mailing Label No.: EV643273609US

Date of Deposit: January 17, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office Box Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231.

NAME Diane G. Kapil

SIGNATURE Diane G. Kapil

Certificate of Mailing Under 37 CFR 1.10

I hereby certify that the correspondence listed below is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, **Label No. EV643273609US** under 37 CFR 1.10 on January 17, 2006 and is addressed to: Box DAC, Commissioner for Patents, Washington, DC 20231.

1. Certificate of Mailing.
2. Petition To Accord A Filing Date To A Patent Application Under 37 C.F.R. 1.10(d).
3. Return Receipt Postcard.

Name: Diane G. Kapil

Signature: Diane G. Kapil  
**EV643273609US**

**Customer Copy**  
Label 11-F June 2002



EV 318693209 US



UNITED STATES POSTAL SERVICE®

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ORIGIN: (POSTAL USE ONLY)			
PO ZIP Code <b>53045</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope	
Date In <b>4/7/04</b>	Mo. Day Year <b>4 7 04</b>	Postage <b>\$ 17.85</b>	
Time In <b>12:27 PM</b>	Military <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Return Receipt Fee	
Weight <b>1.6 lbs.</b>	Int'l Alpha Country Code	COD Fee	Insurance Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials <b>JK</b>	Total Postage & Fees <b>\$ 17.85</b>	

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METHOD OF PAYMENT:	
Express Mail Corporate Acct. No. <b>X531741</b>	

FROM: (PLEASE PRINT)	PHONE <b>(262) 783 1360</b>
RYAN KROMHOLZ & MANION, SC PO BOX 26618 MILWAUKEE WI 53226-0618	

**F-5482 DIV 2 delivered 4/21/04**

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DELIVERY: (POSTAL USE ONLY)

Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	
Delivery Attempt	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	
Delivery Date	Time	Employee Signature
Mo. Day	<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	

NOT DELIVERED	WALKAWAY	HOLD
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Federal Agency Acct. No. or  
Postal Service Acct. No.

TO: (PLEASE PRINT) PHONE ( )

MAIL STOP Patent Application  
COMMISSIONER FOR PATENTS  
PO BOX 1450  
ALEXANDRIA VA 22313-1450



Exhibit A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Mail Stop Patent Application  
 Commissioner for Patents.  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**NEW APPLICATION TRANSMITTAL Under 37 CFR § 1.53(b)**

Transmitted herewith for filing is the patent application of

Inventor(s): ***Mark Vandlik and Tom Westberg***

**WARNING:** *37 C.F.R. § 1.41(a)(1) points out:*

(a) A patent is applied for in the name or names of the actual inventor or inventors.

(1) The inventorship of a nonprovisional application is that inventorship set forth in the oath or declaration as prescribed by § 1.63, except as provided for in § 1.53(d)(4) and § 1.63(c). If an oath or declaration as prescribed by § 1.63 is not filed during the pendency of a nonprovisional application, the inventorship is that inventorship set forth in the application papers filed pursuant to § 1.53(b), unless a petition under this paragraph accompanied by the fee set forth in § 1.17(i) is filed supplying or changing the name or names of the inventor or inventors.

For (title): ***Blood Processing Systems with Fluid Flow Cassette with a Pressure Actuated Pump chamber and In-Line Air Trap***

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**1. Type of Application**

This new application is for a(n)  
 Original (nonprovisional)  
 Design  
 Plant

**NOTE:** *If one of the following 3 items apply then complete and attach ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF A PRIOR U.S. APPLICATION CLAIMED and a NOTIFICATION IN PARENT APPLICATION OF THE FILING OF THIS CONTINUATION APPLICATION.*

Divisional.  
 Continuation.  
 Continuation-in-part (C-I-P).

**2. Benefit of Prior U.S. Application(s) (35 U.S.C. 119(e), 120, or 121)**

The new application being transmitted claims the benefit of prior U.S. application(s). Enclosed are ADDED PAGES FOR NEW APPLICATION TRANSMITTAL WHERE BENEFIT OF PRIOR U.S. APPLICATION(S) CLAIMED.

**CERTIFICATION UNDER 37 C.F.R. 1.10\***

I hereby certify that this New Application Transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date 20 April 2004, in an envelope as 'Express Mail Post Office to Addressee' mailing Label Number EV 318693209 US, addressed as follows: Mail Stop Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

Judith Dunaway

(type or print name of person mailing paper)

Judith Dunaway

Signature of person mailing paper

*(Application Transmittal - page 1 of 5)*

**3. Papers Enclosed**

A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.153 Design Application

<u>133</u>	Pages of specification
<u>01</u>	Pages of claims
<u>01</u>	Abstract
<u>41</u>	Sheets of drawing
[ x ]	formal
[ ]	informal

B. Other documents enclosed: \_\_\_\_\_

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**4. Additional papers enclosed**

- Preliminary Amendment
- Information Disclosure Statement (37 C.F.R. 1.98)
- Form PTO-1449 (PTO/SB/08A and 08B)
- Citations
- Declaration of Biological Deposit
- Submission of "Sequence Listing," computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- Authorization of Attorney(s) to Accept and Follow Instructions from Representative
- Special Comments
- Other

**5. Declaration or oath**

- Enclosed
- newly executed
- copy from parent application identified above

Executed by (check all applicable boxes)

- inventor(s).
- legal representative of inventor(s).
- joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.

This is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached. See Item 13 below for fee.

Not Enclosed.

Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of all the above named inventor(s). (The declaration or oath, along with the surcharge required by 37 CFR 1.16(e) can be filed subsequently).

**6. Inventorship Statement**

The inventorship for all the claims in this application are:

- The same.
- Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
  - is submitted.
  - will be submitted.

**7. Language**

English  
 Non-English  
 The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

**8. Assignment**

An assignment of the Invention to Baxter International Inc.  
 is attached. A separate  COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION or  FORM PTO 1595 is also attached.  
 will follow.  
 was filed in the parent application identified above

**9. CERTIFIED COPY**

Certified copy(ies) of application(s)

Country	Appn. No.	Filed

from which priority is claimed

is (are) attached.  
 will follow.

**NOTE:** *The foreign application forming the basis for the claim for priority must be referred to in the oath or declaration. 37 CFR 1.55(a) and 1.63.*

**10. Fee Calculation (37 C.F.R. 1.16)**

A.  Regular application

CLAIMS AS FILED					
	Number Filed	Number Included in Basic Fee	Number Extra	Rate	Basic Fee 37 CFR 1.16(a) \$770.00
Total Claims 37 CFR 1.16(c)	1	-20 =	(19)	x \$ 18.00	\$0
Independent Claims (37 CFR 1.16(b))	1	-3 =	(2)	x \$ 86.00	\$0
Multiple Dependent claim(s) if any (37 CFR 1.16(d))	0			\$290.00	\$0
<b>FILING FEE CALCULATION</b>					<b>\$770</b>

Amendment cancelling extra claims enclosed.  
 Amendment deleting multiple-dependencies enclosed.  
 Fee for extra claims is not being paid at this time.

Filing Fee Calculation

770.00

B. [ ] Design application  
(\$340.00 - 37 CFR 1.16(f))  
Filing Fee Calculation \_\_\_\_\_

C. [ ] Plant application  
(\$530.00 - 37 CFR 1.16(g))  
Filing Fee Calculation \_\_\_\_\_

11. **Small Entity Statement**

[ ] The applicant is a Small Entity as defined by 37 CFR 1.9 and 1.27 and is entitled to small entity status.  
[ ] Small Entity Filing Fee: \_\_\_\_\_

12. **Fee Payment Being Made at This Time**

[ ] Not Enclosed  
[ ] No filing fee is to be paid at this time.  
*(This and the surcharge required by 37 C.F.R. 1.16(e) can be paid subsequently.)*

[x] Enclosed

[x]	Filing fee	770.00
[ ]	Recording assignment (\$40.00; 37 C.F.R. 1.21(h))	_____
[ ]	Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached (\$130.00; 37 C.F.R. 1.47 and 1.17(i))	_____
[ ]	For processing an application with a specification in a non-English language (\$130.00; 37 C.F.R. 1.52(d) and 1.17(k))	_____
[ ]	Processing and retention fee (\$130.00; 37 C.F.R. 1.53(d) and 1.21(l))	_____
[ ]	Fee for international-type search report (\$40.00; 37 C.F.R. 1.21(e))	_____

**Total fees enclosed** 770.00 \_\_\_\_\_

13. **Method of Payment of Fees**

[x] Check in the amount of \$ 770.00.  
[ ] Charge Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_.  
A duplicate of this transmittal is attached.

14. **Authorization to Charge Additional Fees**

[x] The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to Account No. 06-2360

[x] 37 C.F.R. 1.16(a), (f) or (g) (filing fees)  
[x] 37 C.F.R. 1.16(b), (c) and (d) (presentation of extra claims)  
[x] 37 C.F.R. 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)  
[x] 37 C.F.R. §§ 1.17(a)(1-5) (extension fees pursuant to § 1.136(a)).  
[x] 37 C.F.R. 1.17 (application processing fees)  
[ ] 37 C.F.R. 1.18 (issue fee at or before mailing of Notice of Allowance, pursuant to 37 C.F.R. 1.311(b))

**15. Instructions as to Overpayment**

Credit Account No. 06-2360  
 Refund



Reg. No. 29,243

Tel. No.: (262) 783 - 1300

Customer No.: 26308

**SIGNATURE OF PRACTITIONER**

Daniel D. Ryan

(type or print name of attorney)

RYAN KROMHOLZ & MANION, S.C.

(P.O. Address)

Post Office Box 26618

MILWAUKEE, WISCONSIN 53226

**Statement Where Additional Pages are Added**

Plus Added Page for New Application Transmittal Where Benefit of Prior U.S.  
Application(s) Claimed

**Statement Where No Further Pages Added**

(if no further pages form a part of this Transmittal, then end this Transmittal with this page and  
check the following item)

This transmittal ends with this page.

**ADDED PAGES FOR APPLICATION TRANSMITTAL WHERE BENEFIT  
OF PRIOR U.S. APPLICATION(S) CLAIMED**

**NOTE:** "In order for an application to claim the benefit of a prior filed copending national application, the prior application must name as an inventor at least one inventor named in the later filed application and disclose the named inventor's invention claimed in at least one claim of the later filed application in the manner provided by the first paragraph of 35 U.S.C. 112." 37 CFR 1.78(a).

**NOTE:** "IN ADDITION THE PRIOR APPLICATION MUST BE (1) COMPLETE AS SET FORTH IN S 1.51, OR (2) ENTITLED TO A FILING DATE AS SET FORTH IN S 1.53(B) AND INCLUDE THE BASIC FILING FEE SET FORTH IN S 1.16; OR (3) ENTITLED TO A FILING DATE AS SET FORTH IN S 1.53(B) AND HAVE PAID THEREIN THE PROCESSING AND RETENTION FEE SET FORTH IN S 1.21(L) WITHIN THE TIME PERIOD SET FORTH IN S 1.53(D)." 37 CFR 1.78(A).

**16. Relate Back-35 U.S.C. 120**

**NOTE:** "ANY APPLICATION CLAIMING THE BENEFIT OF A PRIOR FILED COPENDING NATIONAL OR INTERNATIONAL APPLICATION MUST CONTAIN OR BE AMENDED TO CONTAIN IN THE FIRST SENTENCE OF THE SPECIFICATION FOLLOWING THE TITLE A REFERENCE TO SUCH PRIOR APPLICATION IDENTIFYING IT BY SERIAL NUMBER AND FILING DATE OR INTERNATIONAL APPLICATION NUMBER AND INTERNATIONAL FILING DATE AND INDICATING THE RELATIONSHIP OF THE APPLICATIONS." 37 CFR 1.78(A). SEE ALSO THE NOTICE OF APRIL 28, 1987 (1079 O.G. 32 TO 46).

The specification includes the following recitation:

**Related Applications:**

This application claims the benefit of co-pending application Serial No. 09/390,265 filed 3 September 1999 and entitled "Fluid Pressure Actuated Blood Pumping Systems and Methods with Continuous Inflow and Pulsatile Outflow Conditions". This application also claims the benefit of copending patent application Serial No. 09/390,268 filed 3 September 1999 and entitled "Programmable Fluid Pressure Actuated Blood Processing Systems and Methods".

**NOTE:** THE PROPER REFERENCE TO A PRIOR FILED PCT APPLICATION WHICH ENTERED THE U.S. NATIONAL PHASE IS THE U.S. SERIAL NUMBER AND THE FILING DATE OF THE PCT APPLICATION WHICH DESIGNATED THE U.S.

**NOTE:** (1) WHERE THE APPLICATION BEING TRANSMITTED ADDS SUBJECT MATTER TO THE INTERNATIONAL APPLICATION THEN THE FILING CAN BE AS A CONTINUATION-IN-PART OR (2) IT IS DESIRED TO DO SO FOR OTHER REASONS, E.G. WHERE NO DECLARATION IS AVAILABLE, NO ENGLISH TRANSLATION IS AVAILABLE OR NO FEE IS TO BE PAID ON FILING THEN THE FILING CAN BE AS A CONTINUATION. IN THESE CASES THE INTERNATIONAL APPLICATION DESIGNATING THE U.S. IS TREATED AS THE PARENT CASE IN THE U.S. AND IS AN ALTERNATIVE TO THE COMPLETION OF THE INTERNATIONAL APPLICATION UNDER 35 U.S.C. 371(C)(4) WHICH MUST MEET THE REQUIREMENTS OF 37 CFR 1.61(A). THIS ALTERNATIVE PERMITS THE COMPLETION OF THE FILING REQUIREMENTS WITHIN ANY TERM SET BY THE PTO UNDER 37 CFR 1.53(D) TO WHICH THE EXTENSION PROVISIONS OF 37 CFR 1.136(A) APPLY. (WHEREAS, IF THE FILING IS AS AN INTERNATIONAL APPLICATION ENTERING THE U.S. STAGE THEN THE FEE, DECLARATION AND/OR ENGLISH TRANSLATION (WHERE NECESSARY) IS DUE WITHIN 20 MONTHS OF THE PRIORITY DATE BUT CAN BE PAID WITHIN 22 MONTHS OF THE PRIORITY DATE (OR IS DUE WITHIN 30 MONTHS OF THE PRIORITY DATE BUT CAN BE SUBMITTED WITHIN 32 MONTHS OF THE PRIORITY DATE) WITH THE SURCHARGES SET FORTH IN 37 CFR 1.492(E), (F) AND 37 CFR 1.495(C); HOWEVER, THE PROVISIONS OF 37 CFR 1.136 DO NOT APPLY TO THIS 22 OR (32 MONTH) PERIOD. 37 CFR 1.61(B).)

**NOTE:** THE DEADLINE FOR ENTERING THE NATIONAL PHASE IN THE U.S. FOR AN INTERNATIONAL APPLICATION WAS CLARIFIED IN THE NOTICE OF APRIL 28, 1987 (1079 O.G. 32 TO 46) AS FOLLOWS:

"The Patent and Trademark Office considers the International application to be pending until the 22nd month from the priority date if the United States has been designated and no Demand for International Preliminary Examination has been filed prior to the expiration of the 19th month from the priority date and until the 32nd month from the priority date if a Demand for International Preliminary Examination which elected the United States of America has been filed prior to the expiration of the 19th month from the priority date, provided that a copy of the international application has been communicated to the Patent

and Trademark Office within the 20 or 30 month period respectively. If a copy of the international application has not been communicated to the Patent and Trademark Office within the 20 or 30 month period respectively, the international application becomes abandoned as to the United States 20 or 30 months from the priority date respectively. These periods have been placed in the rules as paragraph (h) of S 1.494 and paragraph (i) of S 1.495. A continuing application under 35 U.S.C. 365(c) and 120 may be filed anytime during the pendency of the international application."

### 17. Relate Back-35 U.S.C. 119 Priority Claim for Prior Application

The prior U.S. application(s), including any prior International Application designating the U.S., identified above in item 17, in turn itself claim(s) foreign priority (ies) as follows:

country	appl. no.	filed on
The certified copy (ies) has (have)		
[ ]	been filed on _____	in prior application _____ which was filed on _____
[ ]	is (are) attached	

**WARNING:** The Certified Copy of the priority application which may have been communicated to the PTO by the International Bureau may not be relied on without any need to file a Certified Copy of the priority application in the continuing application. This is so because the certified copy of the priority application communicated by the International Bureau is placed in a folder and is not assigned a U.S. Serial Number unless the national stage is entered. Such folders are disposed of if the national stage is not entered. Therefore such certified copies may not be available if needed later in the prosecution of a continuing application. An alternative would be to physically remove the priority documents from the folders and transfer them to the continuing application. The resources required to request transfer, retrieve the folders, make suitable record notations, transfer the certified copies, enter and make a record of such copies in the continuing application are substantial. Accordingly, the priority documents in folders of international applications which have not entered the national stage may not be relied on.

### 18. Maintenance of Copendency of Prior Application

**NOTE:** The PTO finds it useful if a copy of the petition filed in the prior application extending the term for response is filed with the papers constituting the filing of the continuation application.

- A. [ ] Extension of time in prior application
  - [ ] A petition, fee and response extends the term in the pending prior application until \_\_\_\_\_.
  - [ ] A copy of the petition filed in prior application is attached
  
- B. [ ] Conditional Petition for Extension of Time in Prior Application
  - [ ] A conditional petition for extension of time is being filed in the pending prior application.
  - [ ] A copy of the conditional petition filed in the prior application is attached

### 19. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

**NOTE:** If the continuation, continuation-in-part, or divisional application is filed by less than all the inventors named in the prior application a statement must accompany the application when filed requesting deletion of the names of the person or persons who are not inventors of the invention being claimed in the continuation, continuation-in-part, or divisional application. 37 CFR 1.62(a)

**NOTE:** In the case of a continuation-in-part application which adds and claims additional disclosure by amendment, an oath or declaration as required by § 1.63 must be filed. In those situations where a new oath or declaration is required due to additional subject matter being claimed, additional inventors may be named in the continuing application. In a continuation or divisional application which discloses and claims only subject matter disclosed in a prior application, no additional oath or declaration is required and the application must name as inventors the same or less than all the inventors in the prior application. 37 CFR 1.60(c). (Dealing with the continuation situation).

(a) [ ] This application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are  
[ ] the same.  
[ ] the following inventor(s) have been deleted:  
[ ] the following inventor(s) have been added:

---

(b) [ ] This application discloses and claims additional disclosure and a new declaration or oath is being filed. With respect to the prior application the inventor(s) in this application are  
[ ] the same.  
[ ] the following inventor(s) have been deleted:  
[ ] the following inventor(s) have been added:

---

(c) The inventorship for all the claims in this application are  
[x] the same.  
[ ] not the same, and an explanation, including the ownership of the various claims at the time the last claimed invention was made  
[ ] is submitted.  
[ ] will be submitted.

**20. Abandonment of Prior Application (if applicable)**

[ ] Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application copending with said prior application.

NOTE: ACCORDING TO THE NOTICE OF MAY 13, 1983 (103, TMOG 6-7) THE FILING OF A CONTINUATION OR CONTINUATION-IN-PART APPLICATION IS A PROPER RESPONSE WITH RESPECT TO A PETITION FOR EXTENSION OF TIME OR A PETITION TO REVIVE AND SHOULD INCLUDE THE EXPRESS ABANDONMENT OF THE PRIOR APPLICATION CONDITIONED UPON THE GRANTING OF THE PETITION AND THE GRANTING OF A FILING DATE TO THE CONTINUING APPLICATION.

Original patent application of Mark Vandlik and Tom Westberg entitled Blood Processing Systems with Fluid Flow Cassette with Pressure Actuated Pump Chamber and In-Line Air Trap, consisting of: transmittal letter with added pages for US priority claim; 133 pages specification; 1 page claims; 1 page abstract; 41 sheets of formal drawings; and Check No. 14607 - \$770.00.

Sent by Express Mail Label No. EV 318693209US on 20 April 2004

F-5482 DIV 2

Ryan Kromholz & Manion, S.C.

14607

DATE	DESCRIPTION	INVOICE #	CHECK	AMOUNT	DEDUCTION	NET AMOUNT
4/20/04	Commissioner for Patents /20/04 Baxter; 1006.F-5482 DIV 2			770.00		770.00

CHECK DATE	CONTROL NUMBER	TOTALS ►	Gross:	Ded:	Net:	
/20/04	14607		770.00		770.00	

14607

RYAN KROMHOLZ & MANION, S.C.

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MILWAUKEE, WI 53226-0618

ASSOCIATED BANK  
79-57-759

DATE	CHECK	AMOUNT
04/20/04		*****\$770.00

04/20/04

\*\*\*\*\*\$770.00

Y  
THE  
RDER  
\*\*\* SEVEN HUNDRED SEVENTY & 00/100 DOLLARS

Commissioner for Patents

14607 075900575 0014 033 548

MP

Exhibit C

Original patent application of Mark Vandlik and Tom Westberg entitled Blood Processing Systems with Fluid Flow Cassette with a Pressure Actuated Pump Chamber and In-Line Air Trap, consisting of: transmittal letter with added pages for US priority claim; 133 pages specification; 1 page claims; 1 page abstract; 41 sheets of formal drawings; and Check No. 14607 - \$770.00.

Sent by Express Mail Label No. EV 318693209US on 20 April 2004

F-5482 DIV 2

17548 U.S. PTO  
10/828440



041704





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/828,440	04/17/2004	3762	900	0360-0159.02 (F-5482 DIV)	41	2	1

[04/20/2004]

26308  
 RYAN KROMHOLZ & MANION, S.C.  
 POST OFFICE BOX 26618  
 MILWAUKEE, WI 53226

RECEIVED  
 SEP 24 2004

COOK, ALEX, McFADRON,  
 MANZO, CUMMINGS & MEHLER

CONFIRMATION NO. 5464

UPDATED FILING RECEIPT



\*OC000000013789033\*

Date Mailed: 09/14/2004

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**Assignment For Published Patent Application**

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**Domestic Priority data as claimed by applicant****Foreign Applications**

SEP 17 2004

If Required, Foreign Filing License Granted: 06/29/2004

The number of your priority application, to be used for filing abroad under the Paris Convention is,  
**US10/828,440**

Projected Publication Date: 10/20/2005

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Blood processing systems with fluid flow cassette with a pressure actuated pump chamber and in-line air trap

**Preliminary Class**

604

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